

ESTTA Tracking number: **ESTTA537871**

Filing date: **05/15/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Bose Corporation
Granted to Date of previous extension	05/29/2013
Address	The Mountain, MS 40 Framingham, MA 01701 UNITED STATES

Attorney information	MICHELLE BROWNLEE Bose Corporation THE MOUNTAIN MS 40 FRAMINGHAM, MA 01701 UNITED STATES Michelle_Brownlee@bose.com Phone:508-766-6276
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Applicant Information

Application No	85712819	Publication date	01/29/2013
Opposition Filing Date	05/15/2013	Opposition Period Ends	05/29/2013
Applicant	Benoit Philippe suite 100 5934 Cote de liesse Montreal, Quebec, H4T2A5 CANADA		

Goods/Services Affected by Opposition

Class 009. First Use: 2009/10/01 First Use In Commerce: 2009/10/01

All goods and services in the class are opposed, namely: (Based on Use in Commerce) Audio speakers; Digital audio and video recorders and players(Based on Intent to Use) Acoustic sound alarms; Amplifiers; Audio amplifiers; Audio equipment for vehicles, namely, stereos, speakers, amplifiers, equalizers, crossovers and speaker housings; Audio recorders; Bass amplifiers; Cell phones; Earphone accessories, namely, earphone cushions, earphone pads, cord management systems, earphone cases, and earphone extension cords; Earphones and headphones; Echo sounding devices; Electronic writing tablets; Mobile computers; Mobile phones; Mobile radios; Mobile telephones

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1633789	Application Date	10/10/1989
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Registration Date	02/05/1991	Foreign Priority Date	NONE
Word Mark	WAVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1989/09/25 First Use In Commerce: 1989/09/25 [TELEVISION RECEIVERS, VIDEO CASSETTE RECORDERS, VIDEO CASSETTE PLAYERS, CAMCORDERS,] RADIOS, CLOCK RADIOS, [AUDIO TAPE RECORDERS AND PLAYERS, PORTABLE RADIO AND CASSETTE RECORDER COMBINATIONS,] COMPACT STEREO SYSTEMS AND PORTABLE COMPACT DISC PLAYERS		

U.S. Registration No.	3457854	Application Date	11/15/2007
Registration Date	07/01/2008	Foreign Priority Date	NONE
Word Mark	WAVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1993/12/31 First Use In Commerce: 1993/12/31 music systems consisting of a loudspeaker system and amplifier and at least one of a radio tuner, compact disc player and digital music player; compact disc changer; digital music player docking station		

U.S. Registration No.	1764183	Application Date	02/03/1992
Registration Date	04/13/1993	Foreign Priority Date	NONE
Word Mark	ACOUSTIC WAVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1984/02/01 First Use In Commerce: 1984/02/01 loudspeaker systems and music systems consisting of a loudspeaker system and amplifier and at least one of a radio tuner, compact disc player and audio tape cassette player		

U.S. Registration No.	1764183	Application Date	02/03/1992
Registration Date	04/13/1993	Foreign Priority Date	NONE
Word Mark	ACOUSTIC WAVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1984/02/01 First Use In Commerce: 1984/02/01 loudspeaker systems and music systems consisting of a loudspeaker system and amplifier and at least one of a radio tuner, compact disc player and audio tape cassette player		

Attachments	WAVEMAN Notice of Opp with Exhibits.pdf(54672 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Michelle Brownlee/
Name	MICHELLE BROWNLEE
Date	05/15/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 85/712,819
For the Trademark WAVEMAN
Published in the Official Gazette on January 29, 2013

BOSE CORPORATION,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
Benoit Philippe)	
D/B/A Innovatek Inc.,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Opposer Bose Corporation (“Bose” or “Opposer”), a Delaware corporation having its principal place of business at The Mountain, Framingham, Massachusetts 01701, believes that it will be damaged by the issuance of a registration for the mark WAVEMAN (the “Mark”), as applied for in application Serial No. 85/712,819 (the “Application”) filed on August 24, 2012 by Applicant Benoit Philippe, D/B/A Innovatek Inc. (“Applicant”), alleging a first use of the Mark in commerce of October 1, 2009, and hereby opposes the same.

As grounds for opposition, Bose alleges that:

1. Opposer uses and/or has used, long since prior to October 1, 2009, the registered trademarks WAVE and ACOUSTIC WAVE on one or more of radios, clock radios, portable radio and cassette recorder combinations, compact stereo systems and portable compact disc players, loudspeaker systems, and loudspeaker systems and music systems consisting of a

loudspeaker system and amplifier and at least one of a radio tuner, compact disc player and audio cassette tape player, including surround sound loudspeaker systems and surround sound music systems.

2. Opposer is the owner of the following U.S. Trademark Registrations:

Reg. No. 1,633,789, issued February 5, 1991, for the mark WAVE in connection with radios, clock radios, compact stereo systems and portable compact disc players; and

Reg. No. 3,457,854, issued July 1, 2008, for the mark WAVE in connection with music systems consisting of a loudspeaker system and amplifier and at least one of a radio tuner, compact disc player and digital music player; compact disc changer; digital music player docking station; and

Reg. No. 1,764,183, issued April 13, 1993, for the mark ACOUSTIC WAVE in connection with loudspeaker systems and music systems consisting of a loudspeaker system and amplifier and at least one of a radio tuner, compact disc player and audio tape cassette player; and

These registrations are valid and subsisting and in full force and effect, as evidenced by printouts of the information available from the USPTO's Trademark Status and Document Retrieval database showing the current status of the registrations, attached as Exhibit A hereto.

3. Opposer accordingly owns valuable goodwill in its marks WAVE and ACOUSTIC WAVE.

4. The Applicant filed the Application on August 24, 2012, which seeks to register the mark WAVEMAN for the following goods in International Class 9: "(Based on Use in Commerce) Audio speakers; Digital audio and video recorders and players (Based on Intent to Use) Acoustic sound alarms; Amplifiers; Audio amplifiers; Audio equipment for vehicles, namely, stereos,


speakers, amplifiers, equalizers, crossovers and speaker housings; Audio recorders; Bass amplifiers; Cell phones; Earphone accessories, namely, earphone cushions, earphone pads, cord management systems, earphone cases, and earphone extension cords; Earphones and headphones; Echo sounding devices; Electronic writing tablets; Mobile computers; Mobile phones; Mobile radios; Mobile telephones.” The Application was published for opposition on January 29, 2013.

5. The Applicant’s WAVEMAN mark is deceptively similar to Opposer’s WAVE and ACOUSTIC WAVE trademarks so as to cause confusion and lead to deception as to the origin of the goods bearing the Applicant’s mark. Accordingly, Opposer will be damaged by registration of the Applicant’s mark with respect to these goods.

6. Wherefore, Bose prays that this Opposition be sustained and that Application Serial No. 85/712,819 be denied and refused.

7. Bose will be represented in this proceeding by Michelle Brownlee of the legal department of Bose. Bose requests that all correspondence be directed to Michelle Brownlee at the address given below.

Dated: May 15, 2013

By: 
Michelle Brownlee, Esq.
Bose Corporation
The Mountain, MS-40
Framingham, MA 01701
(508) 766-6276

Attorneys for Opposer,
BOSE CORPORATION

EXHIBIT A

The USPTO is pleased to report that the TSDR problem with the display of mark images has been resolved. Please clear your individual browser cache prior to accessing TSDR. If you continue to experience technical difficulties, [please email](#).

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Generated on: This page was generated by TSDR on 2013-05-15 09:35:46 EDT

Mark: ACOUSTIC WAVE

No Image
exists for this
case.

US Serial Number: 74242129

Application Filing Date: Feb. 03,

US Registration Number: 1764183

Registration Date: Apr. 13,

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Mar. 14, 2013

Publication Date: Jan. 19, 1993

Mark Information

Related Properties Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

Maintenance Filings or Post Registration Information

TM Staff and Location Information

Assignment Abstract Of Title Information - Click to Load

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Mark: WAVE

WAVE

US Serial Number: 73830246

Application Filing Date: Oct. 10, 1990

US Registration Number: 1633789

Registration Date: Feb. 05, 1991

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Oct. 06, 2010

Publication Date: Nov. 13, 1990

[Mark Information](#)

[Goods and Services](#)

[Basis Information \(Case Level\)](#)

[Current Owner\(s\) Information](#)

[Attorney/Correspondence Information](#)

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Mark: WAVE

WAVE

US Serial Number: 77330052

Application Filing Date: Nov. 15,

US Registration Number: 3457854

Registration Date: Jul. 01, 2

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance do

Status Date: Jul. 01, 2008

Publication Date: Apr. 15, 2008

Mark Information

Related Properties Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

Assignment Abstract Of Title Information - Click to Load

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